



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-2

Hearing Date: December 8, 2015
To: Board of Supervisors
From: Kevin R. Hamblin, Director of Planning and Building *KRH*
Subject: **McCanless** Agricultural Preserve
Application Number 9833
Case Number AGP-15-005
Assessor Parcel Number (APN) 106-061-067-000
2821 Grizzly Bluff Road, Ferndale Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Adopt the necessary findings prepared by Current Planning Division staff;
4. Adopt Resolution No. 15-125 (Attachment A) establishing the McCanless Agricultural Preserve;
5. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
6. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
7. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;

Prepared by *Cliff Johnson*
Cliff Johnson, Senior Planner

CAO Approval *Cheryl Dillingham*

Auditor _____ County Counsel *JWE* Human Resources _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
XXXX Public Hearing
____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bohn*

Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Lovelace, Fennell, Bohn, Bass*
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Dec. 8, 2015* *Am. Humboldt*

8. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and
9. Close the public hearing.

SOURCE OF FUNDING: Planning and Building - Current Planning Revenue Account, No. 1100-277-608000.

DISCUSSION: An application has been made to establish a Class "C" agricultural preserve of approximately 135 acres. The property is owned by Lucas McCanless and is utilized for livestock (cattle) grazing and a dairy operation.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2,500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of a parcel of approximately 135 acres that was created in its current configuration by way of a lot line adjustment that was recorded in July of 2014. There are no outstanding building or zoning violations on the subject property.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60/F,R,T). The property has combining zones for Flood Hazard, Riparian Corridor Protection and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and the proposed contract prohibit further parcel divisions.

The land is used for cattle grazing and a dairy operation. The applicant has provided dairy receipts showing that a similar operation on an adjacent property has provided far more than \$2,500 in agricultural income per year and the County Agricultural Commissioner has visited the site and determined that it meets the income requirements.

Based upon the on-site inspections, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the proposed project on July 15, 2015 and recommended approval. The County Planning Commission reviewed the proposed Class "C" preserves on September 3, 2015 and adopted a resolution (Attachment D) recommending that the Board approve the proposed preserve and Farmland Security Zone because it is consistent with the County's adopted Guidelines for Class C Agricultural Preserves and the County's General Plan.

REQUIRED FINDINGS: The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and

2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class "C" Preserve is listed below.

Class C

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

The required findings can be made. The proposal is consistent with, and furthers the goals of, the agricultural policies of the Eel River Area Plan (ERAP). The establishment of the preserve furthers the goals of assuring the protection of the County's agricultural economy and minimizes the conflicts between agricultural and urban land uses by restricting the subdivision of these lands. The primary purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The land supports the production of food and fiber as defined by Section 51201 Government Code and consists of prime and tillable non-prime lands. The property currently is utilized primarily for growing hay with income from agricultural production that exceeds the minimum gross income for a commercial farm.

The Planning Division staff and the Planning Commission recommend that the Board approve the proposed agricultural preserve because it is consistent with the County's adopted Guidelines for Class C Agricultural Preserves and the County's General Plan. Establishment of the preserve is in the public interest in that it preserves lands for agricultural use.

Designation of lands as Agriculture Preserves is categorically exempt from the provisions of California Environmental Quality Act (CEQA) per Class 17, Section 15317.

FINANCIAL IMPACT: 2015 Prop 13 Factored Base Year Values for the McCanless property is \$985,000 which would result in an approximate \$9,850.00 tax liability. Per the California Department of Conservation, the restricted values (i.e. lands under a Williamson Act contract) are estimated to save agricultural landowners from 20 - 75% in property tax liability each year. The restricted values are affected by income production calculations, base year values, and the State Board of Equalization's annual yield component. The County would therefore be responsible for the loss of revenue from the differences in the taxes collected in light of the loss of state subventions.

Expenses associated with the monitoring of compliance with this program will be covered through the General Fund (Williamson Act Enforcement program), allocated in the Current Planning Division's Fiscal Year 2015-2016 budget.

OTHER AGENCY INVOLVEMENT: The project was circulated to various State and local agencies for comments and recommendations. All agencies and departments that commented have

recommended approval. Both the Williamson Act Committee and the Planning Commission recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board could choose not to enter into a contract with the property owners seeking to enroll into the Williamson Act Program. However, the parties have met the criteria set forth in the County's Guidelines and their participation in the program would further the agricultural goals of the General Plan. Therefore, Current Planning Division staff does not recommend further consideration of this alternative.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

- Attachment A: Resolution establishing the McCanless Class "C" Agricultural Preserve with location map
- Attachment B: Land Conservation Contract for the McCanless proposed preserve
- Attachment C: Planning Commission staff report of September 3, 2015
- Attachment D: Planning Commission Resolution

ATTACHMENT A
RESOLUTION NO. 15-125

**Establishing the McCanless Class C Agricultural Preserve with Uniform Rules Including
Compatible Uses**

Recording Requested by:

HUMBOLDT COUNTY BOARD OF
SUPERVISORS
County Courthouse
825 Fifth Street, Room 111
Eureka, California 95501

Return To:

HUMBOLDT COUNTY PLANNING
DEPARTMENT
3015 H Street
Eureka, CA 95501

(Exempt from fees per Gov't C. §27383)

2015-023588-9

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HC BOARD OF SUP

Confirmed Copy

Clerk: MM Total: \$0.00
Dec 18, 2015 at 12:10:25

**HUMBOLDT COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 15-125**

**RESOLUTION ESTABLISHING THE MCCANLESS AGRICULTURAL PRESERVE
WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AGP #15-005)**

Pursuant to Board of Supervisors' Action of December 8, 2015

(Exempt from recording fees pursuant to GCS 27383)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 8, 2015

RESOLUTION NO. 15-125

**RESOLUTION ESTABLISHING THE MCCANLESS AGRICULTURAL PRESERVE WITH
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP #15-005)**

WHEREAS, the County of Humboldt has been requested to establish an agricultural preserve to include the lands described in the attached Exhibit A; and

WHEREAS, the County of Humboldt is authorized to establish agricultural preserves pursuant to the California Land Conservation Act of 1965 (hereafter the "Act") and the County's Resolution Establishing Guidelines for Agricultural Preserves (hereafter the "Guidelines"); and

WHEREAS, the Humboldt County Planning Commission has considered and approved the establishment of this proposed agricultural preserve, and has made the findings required to support such approval pursuant to the Act and Guidelines; and

WHEREAS, the procedural requirements to establish an agricultural preserve as required by the Act and Guidelines have been followed; and

WHEREAS, the land to be included within the agricultural preserve is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes and uses compatible with agriculture; and

WHEREAS, this Board is authorized by statute to determine according to uniform rules what constitutes a compatible use of land within each preserve.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class C Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 15-005. Said Property, is described in Exhibit A attached hereto.
2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:
 - A. The establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan;
 - B. The requirements of the California Environmental Act have been met; and
 - C. The requirements of the Williamson Act (Government Code Section 51200 *et seq*) have been met.
3. The following uses are hereby declared to be compatible permitted uses or uses permitted with a use permit on all lands included within the recommended agricultural preserve:
 - A. Permitted Uses:
 - i. Single family residences essential for agricultural operations and noncommercial guest houses. One (1) single detached farm residence may be allowed for each ownership unit in the preserve.
 - ii. Field, row, tree, berry and bush crops, including timber growing and harvesting.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 8, 2015

RESOLUTION NO. 15-125

- iii. Raising and grazing of horses, cattle, sheep and goats.
- iv. Dairies.
- v. Nurseries, greenhouses, aviaries, apiaries, and mushroom farms.
- B. Uses Permitted with a Use Permit:
 - i. Farms devoted to the hatching, raising, dressing and marketing for commercial purposes of chickens, turkeys, other fowl or poultry, rabbits, chinchillas, beavers, fish, frogs or hogs.
 - ii. Fruit and vegetable storage or packing plants and wayside stands for sale of products produced on the premises.
 - iii. Grain and produce storage warehouses.
 - iv. Dog kennels.
 - v. Excavation of earth and soil for agricultural purposes only.
 - vi. Animal feed yards and sale yards.
 - vii. Extraction of minerals and petroleum products consistent with Sections 51238.1 and 51238.2 of the Government Code.
 - viii. Labor camps.
 - ix. Animal hospitals.
 - x. The erection, construction, alteration or maintenance of gas, electric, water, communication facilities.
 - xi. Public stables and training facilities.
 - xii. Agricultural-related recreation facilities, such as hunting and duck camps but excluding recreational activities such as golf courses, shooting ranges or similar activities which require non-agricultural development.
 - xiii. Home occupations and cottage industries.
 - xiv. Agricultural homestays.
 - xv. Incidental public service purposes consistent with Section 51293 of the Government Code.
 - xvi. Any other use determined to be a compatible use as provided in Section 51238.1 of the Government Code by the Board of Supervisors after notice and public hearing. Such uses shall be deemed a compatible use in any agricultural preserve. The Director of the Planning and Building Department shall maintain a list of uses found to be compatible pursuant to this section.

Some of the above listed uses will require a Use Permit in the Agricultural Exclusive Zone District, or require discretionary review by the Board of Supervisors, prior to the initiation of the use or activity. Uses which are included in the list of Uses Permitted with a Use Permit may be allowed without a Use Permit or discretionary review only if the Planning Director finds them to be "accessory" to a listed Permitted Use in paragraph 1.A above (i.e., the use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the "Permitted Use").

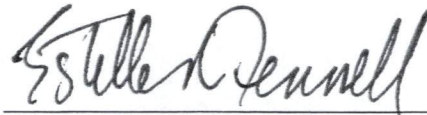
BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 8, 2015

RESOLUTION NO. 15-125

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 15-005 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

Dated: December 8, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bohn, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

The within instrument is a full, true
and correct copy of the original on
file in this office.

ATTEST:

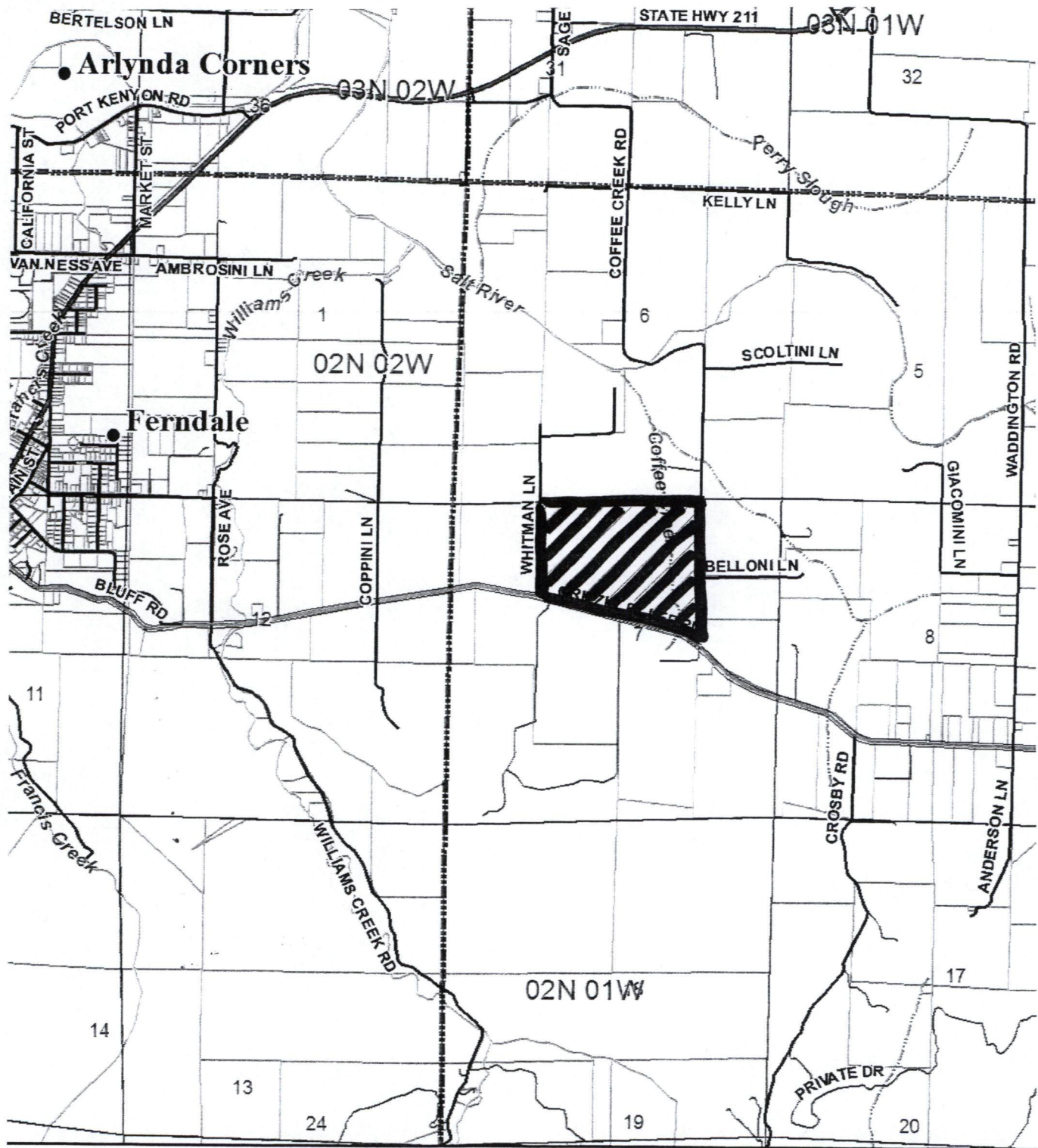
KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt,
State of California

By 

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Seal of said Board of
Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California



LOCATION MAP

PROPOSED McCANLESS
 AGRICULTURAL PRESERVE
 FERNDALE AREA
 AGP-15-005
 APN: 106-061-067
 T02N R01W S07 HB&M (Fortuna)

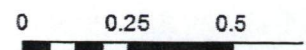


EXHIBIT A
PROPERTY DESCRIPTION

All the real property situated in Section 7, Township 2 North, Range 1 West, Humboldt Meridian, County of Humboldt, State of California described as follows:

PARCEL A

The East Half of the Northwest Quarter, and the West Half of the Northeast Quarter of Section 7, Township 2 North, Range 1 West, Humboldt Meridian.

EXCEPTING therefrom that portion thereof which was conveyed by Erastus J. Baker and wife, to Jed C. Butler, by Deed dated January 14, 1869, and recorded in the Office of the County Recorder of Humboldt County, California, in Book G of Deeds, page 285, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 7; and running thence North 584 feet more or less to the County Road; Thence Westerly parallel with said road, to the West line of said Southeast Quarter of the Northwest Quarter of said Section; Thence South on the subdivision line to the Southwest corner of said Southeast Quarter of the Northwest Quarter; and thence East 80 rods to the Place of Beginning.

ALSO EXCEPTING therefrom that portion thereof described as follows:

Beginning at the Center Post of said Section 7; and running North 584 feet more or less to the South line of the County road (60 feet wide), said South line being 30 feet southerly of the centerline of the road as said centerline is described in the Easement Deed from Henry P. DaOro et. al. to the County of Humboldt recorded in Book 625 of Official Records, page 50, Humboldt County Records.

Thence Southeasterly along the South line of said road to the West line of the Southeast Quarter of the Northeast Quarter of said Section 7;

Thence along said line South $\frac{1}{2}$ degrees East 2.55 chains to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 7;

Thence along the North line of the Southeast Quarter of said Section 7, South $86^{\circ}05'$ West 19.60 chains to the Place of Beginning.

ATTACHMENT B

Land Conservation Contract

Recording Requested by:

HUMBOLDT COUNTY
BOARD OF SUPERVISORS
Eureka, California

Return To:

Planning Department
3015 H Street
Eureka, CA 95501
(Recorded without fee under GCS 27383)

2015-023590-9

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HC BOARD OF SUP

Clerk: MM Total: \$0.00
Dec 18, 2015 at 12:10:25
CONFORMED COPY

**LAND CONSERVATION CONTRACT
(McCanless Preserve)**

THIS CONTRACT is dated this 10th day of December, 2015, by and between Lucas D. McCanless referred to as OWNER, and the COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, OWNER warrants that they own certain land particularly described hereinafter, which is presently devoted to agricultural and compatible uses; and

WHEREAS, said land is located in a Class C Agricultural Preserve heretofore established by COUNTY by Resolution No. 15-125; and

WHEREAS, both OWNER and COUNTY desire to establish binding restrictions which will limit the use of said land to agricultural and incidental compatible uses;

NOW, THEREFORE, the parties agree as follows:

Section 1. This contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200, hereafter referred to as the "Act"), and pursuant to the County's Resolution adopting Guidelines for Agricultural Preserves which implements the Act in Humboldt County (hereafter "local resolution") and the County's Resolution Establishing an

Agricultural Preserve with Uniform Rules Including Compatible Uses (hereafter "authorizing resolution"), and is subject to all the provisions of the Act and County resolutions as they now exist, and as may be hereafter amended.

Section 2. The land to which all provisions of this contract shall apply is described in Exhibit "A" attached hereto. It is not intended to include in this contract any land zoned Timberland Production (TPZ) pursuant to Government Code Section 51100, et seq.

Section 3. During the term of this contract or any extension thereof, the land described herein shall be used only for agricultural uses, as defined by the Act or authorizing resolution, and those "compatible uses" as set forth in the Act or authorizing resolution, and shall not be used for any purpose other than said agricultural uses and compatible uses.

Section 4. This contract shall be effective on the date first written above, hereinafter the anniversary date, and shall remain in effect for an initial term of ten (10) years. On the first anniversary date and on each succeeding anniversary date, one year shall automatically be added to the unexpired term unless notice of non-renewal is given as provided by law.

Section 5. This contract shall run with the land described herein and shall be binding upon, and inure to the benefit of, all successors in interest of the OWNER. Neither the owner nor any successor in interest shall divide the land described herein, except that the County may approve a division of such land subject to the terms and conditions of the Act or local resolution if the proposed division meets all of the following conditions:

(a) Each preserve resulting from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract, as provided in section 6 hereof; and

(b) Each parcel which is the subject of, or which results from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract; and

(c) All successors in interest to owner shall enter into contracts at the time they assume title to any or all of the land described herein enforceably restricting said land pursuant to the statutory provisions referred to in Section 1 above.

Section 6. If the land subject to this contract is in a Class B Agricultural Preserve, it shall not be divided into preserves of less than 600 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class A or Class C Agricultural Preserve, it shall not be divided into preserves of less than 100 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class D Agricultural Preserve, it shall not be divided pursuant to the State Subdivision Map Act and must be sold, transferred or conveyed as a single unit of land.

Section 7. As used in this contract, the terms "divide" and "division" shall include any sale, transfer, encumbrance or any change in the manner in which title to all or any portion of the herein described land is held, whether immediate or future, but shall exclude "Immediate Family Transfers" approved by COUNTY pursuant to Government Code §51230.1. "Division" includes but is not limited to conveyance by deed, installment sales contract, contract of sale, contract for sale, deed of trust, gift or mortgage. Any purported division of the land described herein in violation of any provision of this contract shall be void.

Section 8. Any party signing this contract as a secured lender agrees to subordinate his security interest in the subject property to the rights, benefits and restrictions contained herein.

Section 9. Whenever notice must be given to COUNTY, it may be given by mailing it postage prepaid, addressed to the Board of Supervisors, County of Humboldt, County Courthouse, Eureka, California 95501; notice to OWNER may be given by mailing it first class postage prepaid addressed to **Lucas D. McCanless, 540 Anderson Lane, Ferndale, CA 95536** or at such other address OWNER may hereafter designate in writing. Delivery shall be deemed complete the day after the date of mailing.

Section 10. In the event of any conflict between the provisions of this contract, the local resolutions and the Act, those provisions which most restrict the right to divide the land subject to this contract or to use said land for non-agricultural purposes shall govern.

Section 11. In the event of Cancellation of this contract pursuant to the Act and local resolution, the OWNER shall pay to the COUNTY a cancellation fee equal to 12.5% of the cancellation valuation as calculated in accordance with Section 51283 of the California Government Code.

Section 12. OWNER agrees to permit COUNTY physical inspection of the subject real property and make available for examination such other information or records pursuant to Section 441(d) of the Revenue and Taxation Code as is reasonable and necessary for administration of this contract.

Section 13. This contract may be dated by COUNTY to correspond with the date its Chairman is authorized to execute this contract.

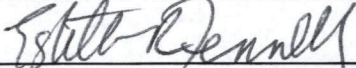
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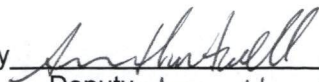
IN WITNESS WHEREOF, the parties hereto have executed the within contract.


Chair of the Board of Supervisors Estelle Fennell
of the County of Humboldt, State of California.

(SEAL)

ATTEST:

KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt, State
of California.

By 
Deputy Ana Hartwell

Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

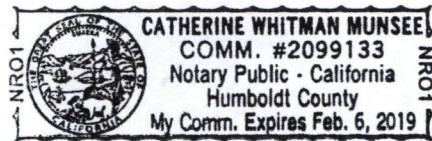
State of California)
County of Humboldt)

On December 10, 2015 before me, Catherine Whitman Munsee,
personally appeared ESTELLE FENNELL, who proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument and acknowledged
to me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Catherine Whitman Munsee

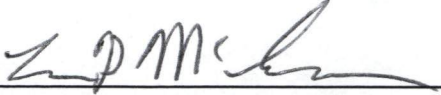


Owners of Record

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

(1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND

(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.

By  9/14/15 By _____
Lucas D. McCanless

By _____ By _____

(Signature(s) to be Notarized)

*See attached CA
Notary Acknowledg.*

Interest in Property

Section 8B of the Humboldt County Williamson Act Guidelines states that "all parties having any interest in any real property included in the contract which could ripen into a fee interest or be exercised in a manner inconsistent with the purpose of the preserve, such as a security interest, shall be required to join in the execution of the proposed contract before such contract is executed by the Board of Supervisors".

The following parties have a security interest in the real property included in this contract which could ripen into a fee interest:

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

(1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND

(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.

By _____

By _____

Title _____

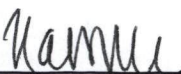
Title _____

Corporation Name: _____

Corporation Name: _____

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By 
County Counsel Natalie Duke

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

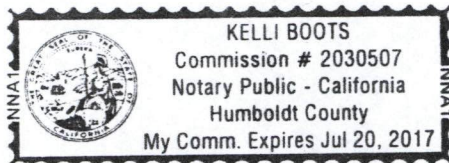
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On Sept 14, 2015 before me, Kelli Boots, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Lucas D. McCanless
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kelli Boots
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

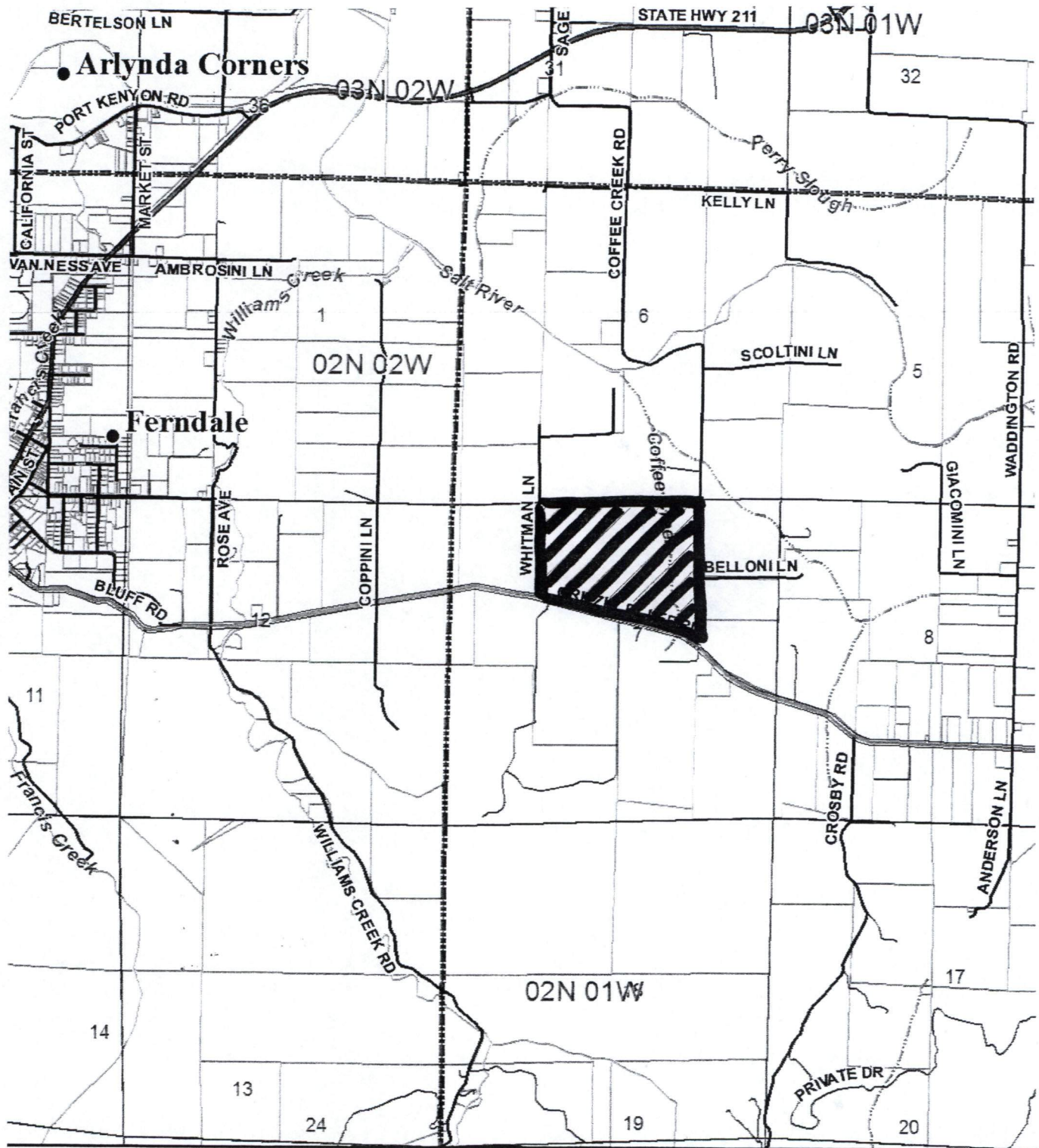
Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document McCanless Preserve
 Title or Type of Document: Land conserv. contract Document Date: 9-14-2015
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____



LOCATION MAP

PROPOSED McCANLESS
 AGRICULTURAL PRESERVE
 FERNDALE AREA
 AGP-15-005
 APN: 106-061-067
 T02N R01W S07 HB&M (Fortuna)

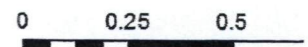


EXHIBIT A
PROPERTY DESCRIPTION

All the real property situated in Section 7, Township 2 North, Range 1 West, Humboldt Meridian, County of Humboldt, State of California described as follows:

PARCEL A

The East Half of the Northwest Quarter, and the West Half of the Northeast Quarter of Section 7, Township 2 North, Range 1 West, Humboldt Meridian.

EXCEPTING therefrom that portion thereof which was conveyed by Erastus J. Baker and wife, to Jed C. Butler, by Deed dated January 14, 1869, and recorded in the Office of the County Recorder of Humboldt County, California, in Book G of Deeds, page 285, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 7; and running thence North 584 feet more or less to the County Road; Thence Westerly parallel with said road, to the West line of said Southeast Quarter of the Northwest Quarter of said Section; Thence South on the subdivision line to the Southwest corner of said Southeast Quarter of the Northwest Quarter; and thence East 80 rods to the Place of Beginning.

ALSO EXCEPTING therefrom that portion thereof described as follows:

Beginning at the Center Post of said Section 7; and running North 584 feet more or less to the South line of the County road (60 feet wide), said South line being 30 feet southerly of the centerline of the road as said centerline is described in the Easement Deed from Henry P. DaOro et. al. to the County of Humboldt recorded in Book 625 of Official Records, page 50, Humboldt County Records. Thence Southeasterly along the South line of said road to the West line of the Southeast Quarter of the Northeast Quarter of said Section 7; Thence along said line South $\frac{1}{2}$ degrees East 2.55 chains to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 7; Thence along the North line of the Southeast Quarter of said Section 7, South $86^{\circ}05'$ West 19.60 chains to the Place of Beginning.

RECEIPT



Transaction #: 61207
 Receipt #: 2015012794
 Cashier Date: 12/18/15 12:10
 Cashier By: MM
 Print Date: 12/18/2015 12:10:42

Kelly E. Sanders, Recorder
 Humboldt County, California
 825 5th Street
 Eureka, CA 95501
 (707) 445-7382

12:10:42
 12/18/2015

CUSTOMER INFORMATION	TRANSACTION INFORMATION	PAYMENT SUMMARY
HC BOARD OF SUP	Date Received: December 18, 2015 11:42 Source Code: 10 a.m. Reservation Return Code: MAIL Trans Type: Recording Bin Number: Agent Ref Number: X	Total Fees: \$0.00 Total Payments: \$0.00 Balance Due: \$0.00

TRANSACTION PROBLEMS



1	Payment	
	EXEMPT	\$0.00
6	Official Records	
RESOLUTION NO	Document #: 2015-023587 Pages: 6 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE SALT RIVER WATERSHED	
MISC	Document #: 2015-023588 Pages: 9 Date: 12/18/2015 24:10:25 From: SALT RIVER WATERSHED COUNCIL To: HUMBOLDT CNTY	
RESOLUTION NO	Document #: 2015-023589 Pages: 6 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE MCCANLESS AGRICULTURE	
MISC	Document #: 2015-023590 Pages: 9 Date: 12/18/2015 24:10:25 From: MCCANLESS LUCA D To: HUMBOLDT CNTY	
RESOLUTION NO	Document #: 2015-023591 Pages: 11 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION AMENDING THE FORT BAKER RANCH AGRICULTURE	
MISC	Document #: 2015-023592 Pages: 15 Date: 12/18/2015 24:10:25 From: FORT BAKER RANCH CO To: HUMBOLDT CNTY	

ATTACHMENT C

Planning Commission staff report of September 3, 2015 for the McCanless Preserve



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 3, 2015

To: Humboldt County Planning Commission

From: Kevin R. Hamblin, Director, Planning and Building Department

Subject: **McCanless** Agricultural Preserve
Application Number 9833
Case Number AGP-15-005
Assessor Parcel Number (APN) 106-061-067-000
2821 Grizzly Bluff Road, Ferndale Area

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Please contact Cliff Johnson, Senior Planner, at (707) 445-7541, or by email at cjohnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

Copy: Assessor's Office

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
September 3, 2015	Agricultural Preserve	Cliff Johnson

Project: An application to establish a Class "C" agricultural preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The approximately 135 acre property is owned by Lucas McCanless and is utilized primarily for cattle grazing and a dairy operation.

Project Location: The project is located in Humboldt County, in the Ferndale area, on the north side of Grizzly Bluff Road, at the northeast corner of Whitman Lane and Grizzly Bluff Road, on the property known as 2821 Grizzly Bluff Road.

Present Plan Designations: Agriculture Exclusive/Prime and Non-prime Lands (AE), Eel River Area Plan (ERAP), Density: 160 to 20 acres per dwelling unit, Slope Stability: Relatively Stable (0)

Present Zoning: (AE-60/F,R,T) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)

Case Number AGP-15-005

Application Number 9833

Assessor Parcel Number: 106-061-067-000

Applicant	Owner
Lucas McCanless	Same
540 Anderson Lane	
Ferndale CA 95536	

Environmental Review: Project is categorically exempt from environmental review per Class 17, Section 15317 of the CEQA Guidelines.

Major Issues: None

State Appeal Status: Project is not appealable to the California Coastal Commission.

MCCANLESS AGRICULTURAL PRESERVE
Case Number AGP-15-005
Assessor Parcel Number 106-061-067-000

Recommended Commission Action:

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and,
4. Close the hearing and make the following motion to recommend approval to the Board of Supervisors:

The Commission makes all the required findings, based on evidence in the staff report and public testimony, and recommends the McCanless Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.

Executive Summary: An application has been made to establish a Class "C" agricultural preserve of approximately 135 acres. The property is owned by Lucas McCanless and is utilized for livestock (cattle) grazing and a dairy operation.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of a parcel of approximately 135 acres that was created in its current configuration by way of a lot line adjustment that was recorded in July of 2014. There are no outstanding building or zoning violations on the subject property.

According to the Soils of Western Humboldt County California, (UC Davis, 1965) the soil type is primarily Ferndale silty clay loam, which is class II soils and considered prime soils. Some of the property is Bayside silty clay loam (Ba2) which is classified as a Class III soil by the Soil Conservation Service and is not considered prime soils.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60 -F,R,T). The property has combining zones for Flood Hazard, Riparian Corridor Protection and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and the proposed contract prohibit further parcel divisions.

The land is used for cattle grazing and a dairy operation. The applicant has provided dairy

receipts showing that a similar operation on an adjacent property has provided far more than \$2,500 in agricultural income per year and the County Agricultural Commissioner has visited the site and determined that it meets the income requirements.

Based upon the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the project on July 15, 2015 and recommended approval.

Alternatives: The Planning Commission could recommend not to approve the project. This alternative should be implemented if the Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-**

**Case Number AGP-15-005
Assessor Parcel Number 106-061-067-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the McCanless Class C Agricultural preserve application.

WHEREAS, Lucas McCanless has applied to establish a new Class "C" Agricultural Preserve in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

WHEREAS, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

WHEREAS, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-005); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on September 3, 2015.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 135 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,R,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No. _____ establishing the McCanless Class "C" Agricultural Preserve with Uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "C" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on September 3, 2015.

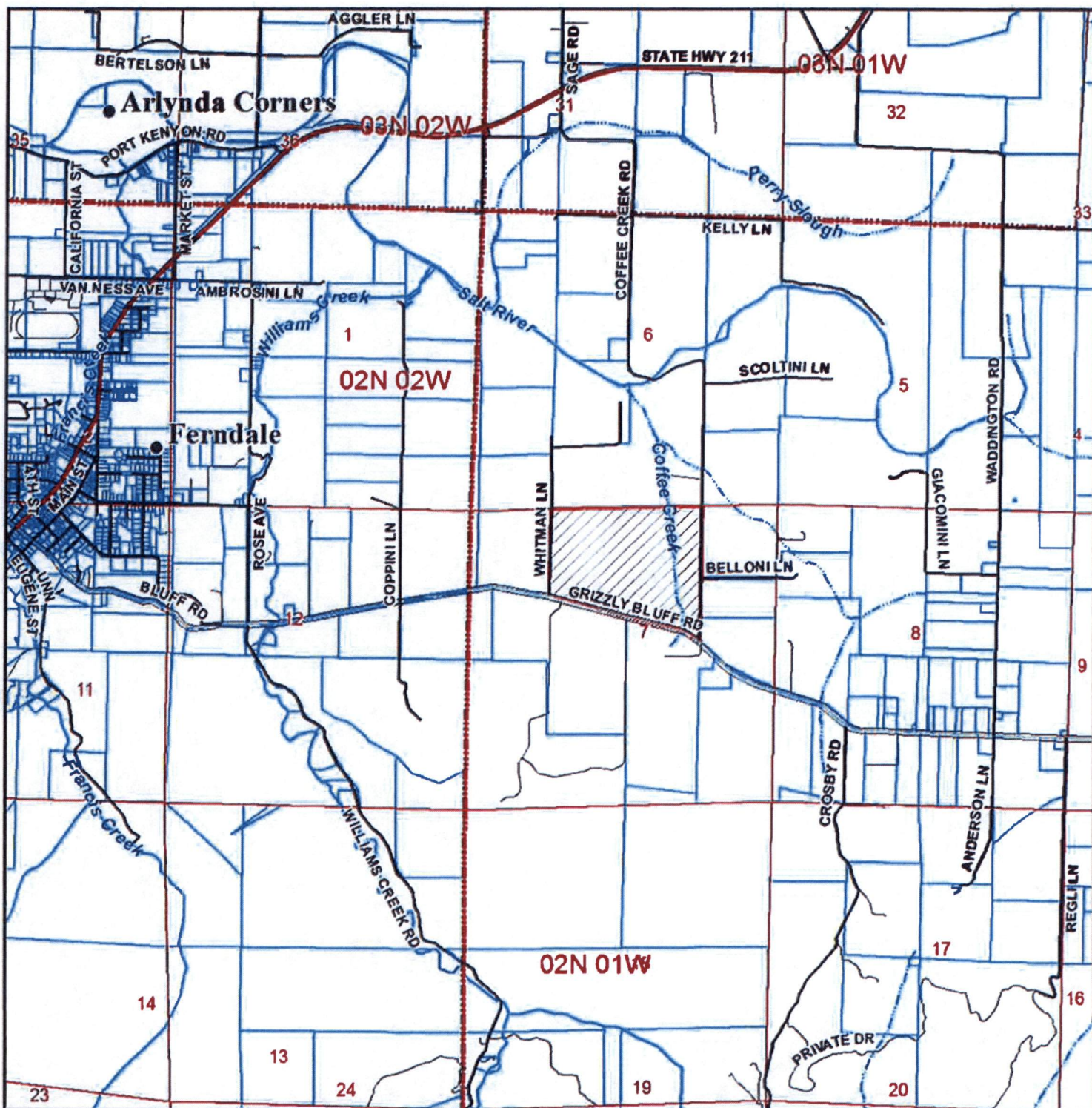
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
 NOES: Commissioners:
 ABSTAIN: Commissioners:
 ABSENT: Commissioners:
 DECISION:

 Robert Morris, Chair

I, Patti Lawson, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 Patti Lawson, Clerk



LOCATION MAP

PROPOSED McCANLESS AGRICULTURAL PRESERVE FERNDALE AREA

AGP-15-005

APN: 106-061-067

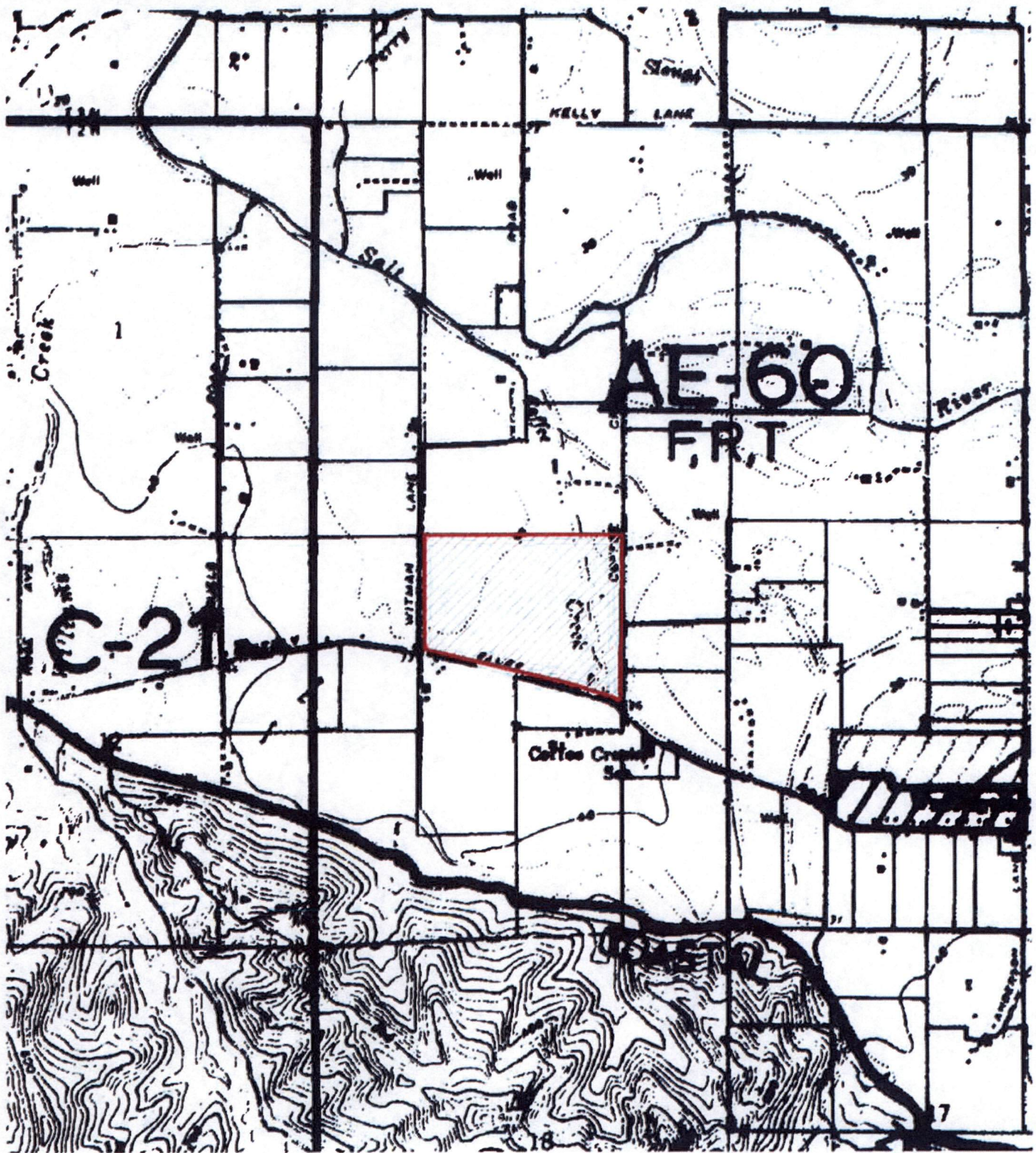
T02N R01W S07 HB&M (Fortuna)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 0.75 Miles





ZONING MAP

**PROPOSED McCANLESS
AGRICULTURAL PRESERVE
FERNDALE AREA**

AGP-15-005

APN: 106-061-067

T02N R01W S07 HB&M (Fortuna)

PROJECT AREA = 



MAP NOT TO SCALE

AGP 15-005 McCannless Preserve 8833

December 8, 2015

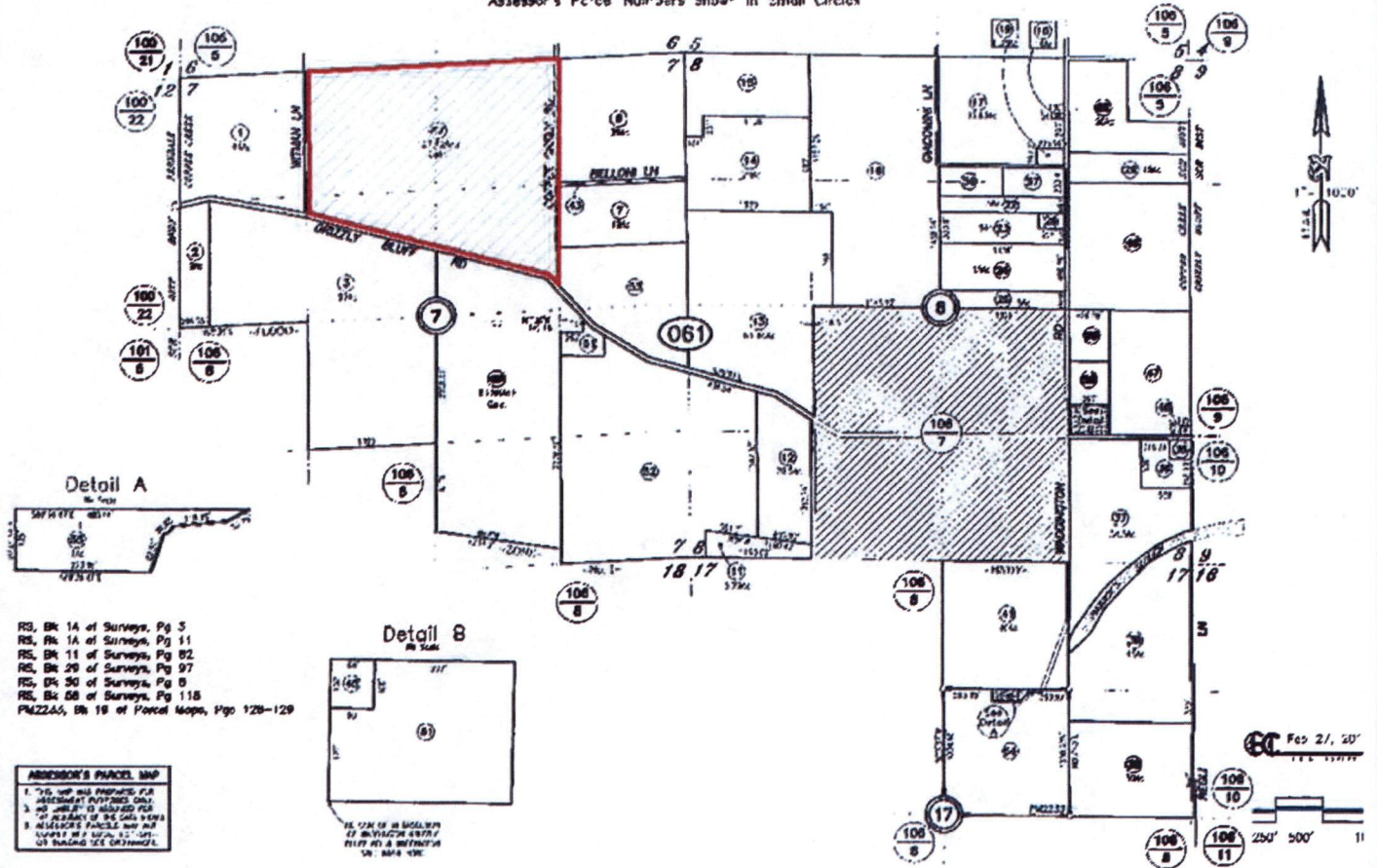
Page 8 Page 27

Assessor's Map Bk. 106, Pg. 06
County of Humboldt, CA.

PTN SECS 7,8 & 17, T2N R1W, H.B.& M.

106-06

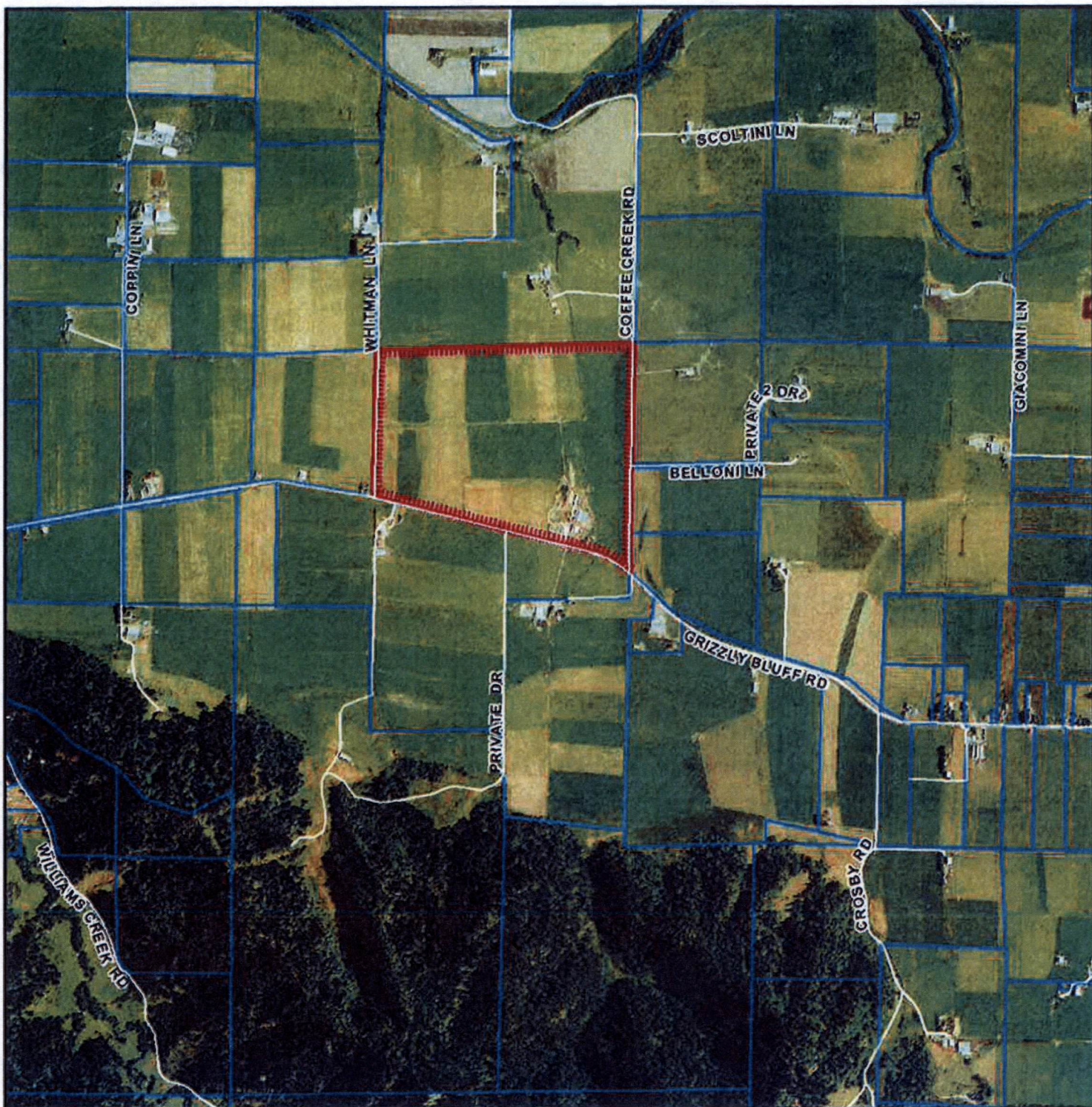
NOTE - Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Small Circles



ASSESSOR PARCEL MAP

**PROPOSED McCANLESS
AGRICULTURAL PRESERVE
FERNDAL AREA
AGP-15-005
APN: 106-061-067
T02N R01W S07 HB&M (Fortuna)**

MAP NOT TO SCALE



AERIAL MAP

PROPOSED McCANLESS AGRICULTURAL PRESERVE FERNDALE AREA

AGP-15-005

APN: 106-061-067

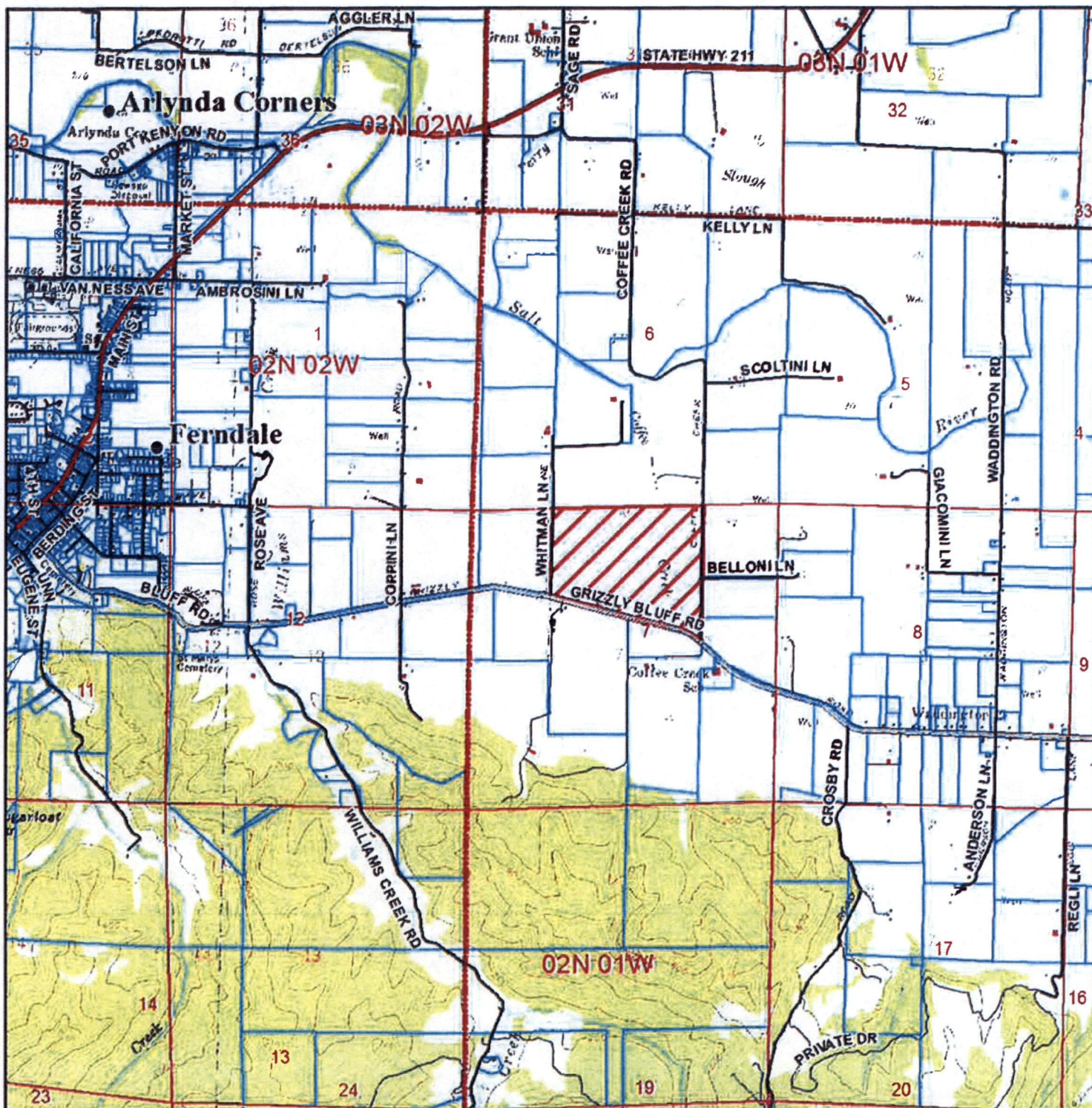
T02N R01W S07 HB&M (Fortuna)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25
Miles



TOPO MAP

PROPOSED McCANLESS AGRICULTURAL PRESERVE FERNDALE AREA AGP-15-005

APN: 106-061-067

T02N R01W S07 HB&M (Fortuna)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 0.75 Miles



ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Agricultural Preserve is conditioned on the following terms and requirements which must be satisfied before the Agricultural Preserve can be scheduled for action by the Board of Supervisors.

Conditions of Approval

1. The applicant shall submit a legal description of the Agricultural Preserve for review and approval by the County Land Surveyor. The applicable review fee must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Land Conservation Contract application being scheduled for a decision by the Board of Supervisors. **The legal description review fee is currently \$209.00.**
2. **Within five (5) days of the effective date of the action,** the applicant shall submit a check to the Planning Division, made out the Humboldt County Recorder, in the amount of \$50 to execute the filing of a Notice of Exemption with the County Clerk and Office of Planning and Research.
3. The applicant shall submit an executed and notarized Land Conservation Contract.
4. The applicant shall pay to the Humboldt County Planning Division any unpaid balance associated with the processing of this application.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings

Agricultural Preserve-Williamson Act Findings: The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and
2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class C "Cropland" Preserve is listed below.

Class C

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

The required findings can be made based on the following analysis.

Staff Analysis

Agricultural Preserve-Williamson Act Criteria

1. That the proposed preserves are consistent with the County's general plan (Section 15234 Government Code).

The Framework Plan, Section 2520 Agricultural Lands, recognizes the significance of agriculture in Humboldt County. The goal of Section 2522 of the General Plan states: "*The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.*" The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas.

The land is designated Agriculture Exclusive by the Eel River Area Plan. The Framework Plan contains policies which preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of the agriculture policies. In addition, the proposal to establish agricultural preserves furthers the goals of assuring the protection of the County's agricultural economy and minimize the conflicts between agricultural and urban land uses by restricting the subdivision of these lands.

2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

The proposed preserve is currently being used for a cattle and dairy operation. The County Assessor staff and the Williamson Act Committee reviewed the proposed Class "C" Preserve and recommend approval. Planning staff believes that the proposed agricultural preserve meets the required findings. Based on information submitted, staff believes the establishment of the preserve will not conflict with any adjoining or surrounding land uses.

Humboldt County Agricultural Preserve Guidelines Class C Criteria

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.

The Department has determined that the proposed preserve consists of a single parcel of approximately 135 acres that was created by way of a lot line adjustment. The land within the proposed preserve consists of a mixture of prime lands and non-prime tillable lands of statewide significance. Almost all of the 135 acres is classified as prime land.

- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.

The land has an Agriculture Exclusive designation and is zoned for agricultural use.

- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.

All of the lands within the proposed Class "C" Preserve are zoned AE-60. This zoning specifies a minimum parcel size of 60 acres and the contracts will provide that the division of the property be subservient to the requirements of the Williamson Act Guidelines.

- d. The land shall consist of prime or non-prime agricultural land as defined by Section 51201 Government Code.

Nearly all of the 135 acres of the proposed Class "C" preserve is designated as prime agricultural lands. The remainder of the proposed preserve is designated as tillable non-prime land of local significance.

Environmental Impact: The designation of lands as Agricultural Preserves is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence that was submitted by the applicant in support of making the required findings for the McCanless Agricultural Preserve.

The following materials are on file with the Planning Division unless otherwise indicated:

- Application Form
- Present Owners' Deeds
- Preliminary Title Report
- Verification of agricultural income

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment for the amendment to the agricultural preserve.

Those agencies that provided written comments originally are checked off.

Referral Agency	Response	Recommendation	Attached	On File
Agricultural Commissioner	✓	Approval		✓
Wiyot Tribe	✓	Approval		✓
Bear River Band	✓	Approval		✓
Farm Bureau		No response		
Assessor's Office	✓	Approval		✓
Williamson Act Committee	✓	Approval	✓	
State Department of Conservation		No response		
City of Ferndale	✓	Approval		✓
Cattlemen's Association		No response		
California Coastal Commission		No response		



**PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

**WILLIAMSON ACT COMMITTEE
Agricultural Center
5630 South Broadway, Eureka**

July 15, 2015 draft Meeting Minutes

I. Call to Order

The meeting was called to order at 4:12 p.m. by Chair John LaBoyteaux.

II. Roll Call

WAC Members Present: John LaBoyteaux, John Rice, Peggy Satterlee

III. Approval of Minutes

No minutes for review and approval

IV. Scheduled Matters

Item 1. Salt River Watershed Council (SRWC Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve and Farmland Security Zone pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

Item 2. L.D. O'Rourke Foundation (O'Rourke Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

Item 3. Dyllan Forbes (Forbes Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Satterlee/Rice, Approved Unanimously)

Item 4. Luke McCanless (McCanless Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

ATTACHMENT D

Planning Commission Resolution regarding the McCanless Preserve

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-31**

**Case Number AGP-15-005
Assessor Parcel Number 106-061-067-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the McCanless Class C Agricultural preserve application.

WHEREAS, Lucas McCanless has applied to establish a new Class "C" Agricultural Preserve in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

WHEREAS, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

WHEREAS, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-005); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on September 3, 2015.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 135 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,R,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No. _____ establishing the McCanless Class "C" Agricultural Preserve with Uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "C" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on September 3, 2015.

The motion was made by Commissioner McKenny and seconded by Commissioner Bongio.

AYES: Commissioners: Ulansey, McKenny, Morris, Edmonds, Shepherd, Bongio
NOES: Commissioners: None
ABSTAIN: Commissioners: None
ABSENT: Commissioners: Levy
DECISION: Motion carries 6/0


Robert Morris, Chair

I, Patti Lawson, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.


Patti Lawson, Clerk